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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,997	09/17/2003	Soon Jo Lee	9988.058.00-US	1982
30827	7590	10/04/2006	EXAMINER	
MCKENNA LONG & ALDRIDGE LLP 1900 K STREET, NW WASHINGTON, DC 20006			GRAVINI, STEPHEN MICHAEL	
			ART UNIT	PAPER NUMBER
			3749	

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/663,997

Applicant(s)

LEE ET AL.

Examiner

Stephen Gravini

Art Unit

3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 21 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Preliminary matter

Examiner's immediate supervisor has instructed examination such that claims must not rely on imported description/specification in an internal Office electronic mail messages dated August 8, 2006 and August 2, 2006 to the examiner. Claims must contain all specification discussion as clarified by examiner's supervisor. Furthermore, language such as "such that," "directing," or "configured for" is to be interpreted as desired result and ordered examination such that the invention should be claimed as means or step plus function format, based on an internal Office electronic mail message dated July 10, 2006. The rejections to follow are based on mandated policies by examiner's immediate supervisor, with contact information at the end of this action.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Smith (US 3,816,942).

Claims 4-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Conlee (US 3,034,226). Conlee is considered to disclose the claimed invention comprising:

a body **81**;

a top cover **7'** covering the body, the top cover including:

a groove **104** which runs along a width of the top cover wherein the groove directs fluid on the top cover toward an exterior of the laundry dryer;

at least one hole **93** disposed in the groove;

a control panel **40'** including a hook **107** disposed at a surface of the control panel opposite the top cover wherein the hook is configured for insertion into the at least one hole; and

a fire wall **103** disposed below the top cover; wherein the firewall has a curvature such that if a fluid leaks through the hole onto the firewall, the fluid is directed toward an outside of the body. Conlee is also considered to disclose the claimed top cover curvature as shown in figures 2, 7, and 8.

Double Patenting

Claims 1-3 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-15 of copending Application No. 11/036,380. Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to one skilled in the art to use a claim recitation "fire wall" in place of the copending recitation "decoration panel" since both perform substantially the same function in substantially the same way using substantially the same means.

Claims 4-5 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-31 of copending Application No. 10920,292. Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to one skilled in the art to use a claim recitation "fire wall" in place of the copending recitation "drain system" since

both perform substantially the same function in substantially the same way using substantially the same means.

These are provisional obviousness-type double patenting rejections because the conflicting claims have not in fact been patented.

Response to Arguments

Applicants' arguments filed August 21, 2006 have been fully considered but they are not persuasive.

anticipation

Applicants argue that the Smith anticipatory rejection is overcome because the top cover structure and firewall are not disclosed. Under current Office practice, a prior art reference clearly anticipates a claimed invention when a reference is a prima facie teaching of each element in the claims. In this application Smith is considered to disclose a top cover **20** comprising a groove **40** provided at a rear portion of the top cover wherein a hook **50** is disposed in a surface of the control panel opposite the top cover such that the hook inserts into a hole disposed in the groove. Smith is also considered to disclose a fire wall **44** or **45** directing a fluid toward an outside of the body if fluid leaks through a hole. These features can be seen from the face of primary reference Smith. With respect to applicants' special fire wall meaning, a reasonably broad claim construction from the specification, illustrates that both the primary reference and the claimed firewall perform the same function using the same means with the same desired result. The rejection is considered proper and therefore maintained.

Applicants further argue that the Conlee anticipatory rejection is overcome because the hole and firewall are not disclosed. Under current Office practice, claims are reasonably and broadly construed in light of the specification. In this application Conlee is considered to disclose a hole **93** at column 5 beginning on line 15 as an opening formed in the casing cover. Contrary to applicants arguments this disclosed hole or opening is reasonably and broadly construed from the specification to be disposed in the peripheral rim or groove **104** as claimed. To one skilled in the art this groove is part of the top cover as shown in figures 2, 7, and 8. As applicants admit in their argument, Conlee directs moisture from inside the drum to outside the dryer which patentable anticipates the argued directing of fluid on the top cover toward an exterior of the dryer. Furthermore Conlee is also considered to disclose a fire wall **103**. This feature is disclosed as admitted from applicants' earlier arguments. The curvature is seen in figures 5, 7, and 8. With respect to applicants' special fire wall meaning, a reasonably broad claim construction from the specification, illustrates that both the primary reference and the claimed firewall perform the same function using the same means with the same desired result. The rejection is considered proper and therefore maintained.

double patenting

Since the double patenting rejection was not traversed, that rejection is maintained.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 571 272 4875. The examiner can normally be reached on normal weekday business hours (east coast time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ehud Gartenberg can be reached on 571 272 4828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SMG
September 28, 2006

